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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION  
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12 SHERYL MCGRADY, )

13 Plaintiff, )

14 v. )

15 ACB AMERICAN, INC., RANDALL )  
16 DUNN, and DALTON VANN )  
17 Defendants. )  
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Case No.: C- 05-5001 PVT

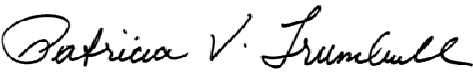
**ORDER TO SHOW CAUSE WHY  
CASE SHOULD NOT BE DISMISSED  
FOR FAILURE TO PROSECUTE  
BASED ON PLAINTIFF'S FAILURE  
TO APPEAR AT CASE  
MANAGEMENT CONFERENCE**

19 A Case Management Conference was scheduled in this matter for August 1, 2006.  
20 Plaintiff failed to appear for at the Case Management Conference. Plaintiff filed a case  
21 management conference statement stating Defendants in this action are also Defendants in  
22 *Trevino and Rios v. ACB American, Inc., et al.*, C05-00239 (JF) (the "Trevino action"). Plaintiff  
23 asserted that the parties in the Trevino action have reached a tentative class settlement that would  
24 include relief for the proposed class in this action. Plaintiff indicated an intent to file a request  
25 to have this action consolidated with the Trevino action no later than July 28, 2006. Plaintiff did  
26 not file a request for consolidation. Additionally, Plaintiff neither sought nor obtained a  
27 continuance of the case management conference. Therefore,

28 IT IS HEREBY ORDERED that, no later than September 5, 2006, Plaintiff shall file a

1 declaration stating why this case should not be dismissed for failure to prosecute based on  
2 Plaintiff's failure to appear at the Case Management Conference.

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4 Dated: August 1, 2006

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6 PATRICIA V. TRUMBULL  
7 United States Magistrate Judge  
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